

228388

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

TOTAL PETROCHEMICALS USA, INC.

Complainant,

v.

Docket No. NOR 42121

**CSX TRANSPORTATION, INC; CAROLINA
PIEDMONT DIVISION; GEORGIA
WOODLANDS RAILROAD, LLC;
MADISON RAILROAD; MOHAWK,
ADIRONDACK & NORTHERN RAILROAD
CORP.; NASHVILLE AND EASTERN
RAILROAD CORP.; NEW HOPE &
IVYLAND RAILROAD; PIONEER VALLEY
RAILROAD; R.J. CORMAN RAILROAD
COMPANY (MEMPHIS); SEMINOLE
GULF RAILWAY L.P.; SEQUATCHIE
VALLEY RAILROAD COMPANY; AND
SOUTH BRANCH VALLEY RAILROAD**

Defendants.

ENTERED
Office of Proceedings
DEC 7 - 2010
Part of
Public Record

**MOTION TO WITHDRAW
SECOND MOTION TO COMPEL**

TOTAL PETROCHEMICALS USA, INC. ("TPI") hereby moves to withdraw its Second Motion to Compel, as further described herein. TPI originally filed the Second Motion to Compel on November 16, 2010 in an effort to obtain an order from the Surface Transportation Board ("Board") compelling CSX Transportation, Inc. ("CSXT") to respond to certain discovery requests.

As a result of the discovery conference held with Board staff on December 2, 2010, TPI and CSXT have resolved the discovery issues encompassed by the Second Motion to Compel,

subject to one qualification. Request for Production No. 149 deal with Positive Train Control ("PTC") information sought from CSXT. While CSXT has agreed to provide certain additional information that is responsive to RFP 149, TPI is unable to ascertain whether that information will adequately address its needs until it has received and reviewed that information. Therefore, the parties have agreed that TPI's withdrawal of its Second Motion to Compel may be without prejudice to renewing its motion at a later date (within a reasonable time of TPI's receipt of the additional PTC information from CSXT) with respect to matters within the scope of RFP 149.

Wherefore, TPI moves to withdraw its Second Motion to Compel, without prejudice to renewing its motion with respect to RFP 149, if necessary, after reviewing CSXT's responses. Counsel for CSXT has authorized TPI to represent that CSXT does not oppose this motion.

Respectfully submitted,



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December 7, 2010

CERTIFICATE OF SERVICE

I hereby certify that this 7th day of December 2010, I served a copy of the foregoing upon Defendants in the following manner and at the addresses below:

Via hand-delivery to:

G. Paul Moates
Sidley Austin LLP
1501 K Street, NW
Washington, D.C. 20005
Counsel for CSXT

Via first class mail to:

| | |
|--|---|
| Lamont Jones, General Manager Carolina Piedmont Division 268 E. Main Street Laurens, SC 29360 | Cathy S. Hale, Chief Executive Officer Madison Railroad City of Madison Port Authority 1121 W. JPG Woodfill Road #216 Madison, IN 47250 |
| Jeff Collins, General Manager Mohawk, Adirondack & Northern Railroad Corp. 1 Mill Street, Suite 101 Batavia, NY 14020 | William J. Drunsic, President Nashville and Eastern Railroad Corp. 514 Knoxville Avenue Lebanon, TN 37087 |
| Bernard M. Reagan, Senior Vice President Seminole Gulf Railway L.P. 4101 Center Point Drive Ft. Myers, FL 39916 | Lucinda K. Butler, Director South Branch Valley Railroad 120 Water Plant Drive Moorefield, WV 26836 |
| G.R. Abernathy, President Sequatchie Valley Railroad Company 120 Soulard Square Bridgeport, AL 35740 | Paul G. Nichini, President New Hope & Ivyland Railroad 32 West Bridge Street New Hope, PA 18938 |

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| <p>Joe Martin, Division Manager R.J. Corman Railroad Company (Memphis) P.O. Box 337 145 East 1st Street Guthrie, KY 42234</p> | <p>Michael L. Rennieke, General Manager Pioneer Valley Railroad 100 Springdale Road Westfield, MA 01085</p> |
| <p>Thomas Burden, General Manager Georgia Woodlands Railroad, LLC 210 Depot Street P.O. Box 549 Washington, GA 30673</p> | |



Jeffrey O. Moreno